



MILPITAS PLANNING COMMISSION STAFF REPORT

July 8, 2015

APPLICATION: **ZONING TEXT AMENDMENT and CONDITIONAL USE PERMIT – ZA15-0003 and UP15-0008 – A request for a Zoning Text Amendment to conditionally permit “places of assembly” uses in the Industrial Park (MP), Light Industrial (M1) and Heavy Industrial Zone (M2) and a Use Permit for a mosque and shared parking onsite in the Heavy Industrial Zone (M2) at 372-374 Turquoise Street.**

RECOMMENDATION: **Staff recommends that the Planning Commission: Conduct the public hearing and adopt Resolution No. 15-021 recommending the City Council deny Zoning Amendment No. ZA15-0003 and Use Permit UP15-0008 to amend the Zoning Code to add new provisions conditionally permitting “places of assembly” uses in the Industrial Park (MP), Light Industrial (M1) and Heavy Industrial Zone (M2) and a Use Permit for a mosque and shared parking onsite in the Heavy Industrial Zone (M2) at 372-374 Turquoise Street.**

LOCATION:
Address/APN: Citywide and 372-374 Turquoise Street (APN: 086-39-025)

PEOPLE:
Project Applicant: Al Hilaal Mosque and Community Center
Consultant: Mark Tiernan
Property/Business Owners: Munawwar Ali Daimee
Project Planner: Adam Petersen, Senior Planner

LAND USE:
General Plan Designation: Manufacturing and Warehousing (MFG)
Zoning District: Heavy Industrial (M2) and Light Industrial (M1)
Overlay District: NA

ENVIRONMENTAL: The California Environmental Quality Act (CEQA) does not require environmental assessments for projects that a public agency disapproves (Section 15270 of the CEQA Guidelines).

EXECUTIVE SUMMARY

The applicant requested that the Planning Commission continue this item from the June 24, 2015 hearing to the July 8, 2015 hearing. The applicant requested the continuance to address the parking issue on site.

The applicant is requesting two entitlements:

1. A Zoning Text Amendment to permit “places of assembly” uses in the Industrial Park (MP), Light Industrial (M1) and Heavy Industrial Zone (M2) zones; and
2. A Use Permit for a mosque to locate in the Heavy Industrial Zone (M2) at 372 – 374 Turquoise Street and for a shared parking agreement.

The requested zoning text amendment and use permit are inconsistent with the City’s General Plan and Zoning Code. The requested zoning text amendment would allow assembly uses to locate in any industrial zone with approval of a use permit by the Planning Commission. This provision conflicts with numerous General Plan Guiding Principles and Implementing Policies. Further, the site does not provide adequate parking to accommodate the proposed use. Accordingly, staff is recommending denial of the requested entitlements.

BACKGROUND

History

The City implemented numerous revisions to the Zoning Ordinance in 2009 that prohibited “places of assembly” in the industrial zones. As part of the revisions to the Zoning Ordinance, City Council directed staff to study non-industrial uses locating in the industrial zoning districts. The City retained Conley Consulting Group to study the impacts of industrial land conversion to non-industrial uses as part of the implementation of the City’s Economic Strategic Action Plan. In order to preserve, ensure, and improve the compatibility of uses in the industrial areas of the City, the City adopted revisions to the Zoning Ordinance that prohibited “places of assembly” in the industrial districts.

PROJECT DESCRIPTION

The project is comprised of two requests:

1. A Zoning Text Amendment to conditionally permit “places of assembly” uses in the industrial zones; and
2. A Use Permit to operate a Mosque at a site zoned Heavy Industrial (M2) and for shared parking spaces on the project site.

The Zoning Text Amendment is requested because “places of assembly” are not currently permitted in industrial zones. The Commission should consider the requested amendment independent of its affiliation with the requested use permit because of its far-reaching consequences. The requested zone change would enable future assembly uses to locate on property intended for industrial purposes.

Overview

Zone Text Amendment

The applicant is requesting an amendment to the City’s Zoning Code to conditionally permit assembly uses in the Industrial Park (MP), Light Industrial (M1) and Heavy Industrial (M2) Zoning Districts. This language would expand Table XI-10-7.02-1 by adding the “Places of Assembly” land use classification. The table would be amended as follows (changes highlighted in red and underline text):

Table 1
Requested Zoning Text Amendment

USE	M1	M2	MP
7. Public, Quasi-Public and Assembly Uses			
Auditorium ⁵	NP	NP	C
Conference center ⁵	NP	NP	C
Vocational school	C	C	C
Farmer's market (not including flea market) ⁶	NP	NP	C
Public utilities ⁷	P	P	P
Transportation facility (taxi, parcel service, armored car, etc.) ⁴	NP	P	NP
<u>Places of Assembly</u>	<u>C</u>	<u>C</u>	<u>C</u>

⁴ When conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall or fence (e.g. chain link with slats) not less than eight (8) feet in height.

⁵ Shall be ancillary to the primary use or associated with business or industrial uses.

⁶ Refer to Subsection XI-10-13.10, Farmers Markets, of this Chapter.

⁷ Includes service facilities, electric transmission and distribution substations and public utility service centers.

Requested Conditional Use Permit

Accompanying the Zone Amendment application is a request for a conditional use permit to allow an assembly use at 372 – 374 Turquoise Street and a shared parking request. The applicant is proposing to operate a 13,125 square foot mosque in a vacant tenant space at an existing industrial building. Additionally, the applicant is proposing to restripe the parking lot provide additional parking on the property. Even with additional parking, uses in the building generate more parking than the site provides.

Places of Assembly Use Description

There are numerous activities proposed in association with the mosque. The applicant proposes five daily prayer services, and estimates an attendance of approximately 35 to 50 people per session. The times of these services vary depending on the winter or summer season and are highlighted below in Table 2.

Table 2
Prayer Service Schedule

Summer Prayer Hours – June 21 through December 20				
5:30 AM	1:30 PM	6:30 PM	8:30 PM	10:10 PM
Winter Prayer Hours – December 21 through June 20				
6:45 AM	12:30 PM	4:00 PM	5:15 PM	8:00 PM

In addition to the daily prayer services, two weekly congregational prayer services occur in the afternoons on Fridays. The applicant estimates that approximately 100 to 150 people will attend each service, and the services last for 45 minutes each.

Additional proposed uses of the mosque include the following:

- Classes on Islamic subject for Muslims; estimated attendance is 20 to 30 people (no schedule proposed with application).
- Seminars and workshops for Muslims and non-Muslims estimated attendance is 70 to 100 people (no schedule proposed with application).
- Outreach to local Muslim community and non-Muslim community with Islamic literature and books.
- Family and marriage counseling on an as needed basis.
- Youth activities – no schedule or estimated attendance proposed
- Night prayers during the month of Ramadan, and other activities on Muslim Holidays
- Seminars and monthly family nights: 70 – 125 people; no schedule proposed
- Health and fitness classes
- Programs and activities specifically for Muslim women
- Multimedia center
- Bookstore and gift shop
- Special events such as wedding ceremonies
- Community social activities; no schedule proposed

Location and Context

The proposed rezone would affect all industrial land in the City of Milpitas, and would open parcels zoned M1 and M2 for use by assembly facilities. These land uses are located primarily in the central portion of the City. Figure 1 illustrates the M1 and M2 zone properties in the City of Milpitas.

The site is surrounded by industrial uses. It is located in the central portion of the City, south of Calaveras Boulevard and north of Yosemite Drive. Table 3 highlights the site’s General Plan designation, Zoning and surrounding land uses, and Figure 2 provides an aerial view of the site.

Table 3
Zoning and Land Use Summary

	General Plan	Zone	Uses
Subject Site	Manufacturing Warehousing	Heavy Industrial (M2)	Research offices
North	Manufacturing Warehousing	Heavy Industrial (M2)	Lenthor Engineering
South	Manufacturing Warehousing	Heavy Industrial (M2)	Industrial offices
East	Manufacturing Warehousing	Heavy Industrial (M2)	Aircom Mechanical
West	Manufacturing Warehousing	Heavy Industrial (M2)	Industrial offices

Figure 1
MP, M1, and M2 Properties in Milpitas

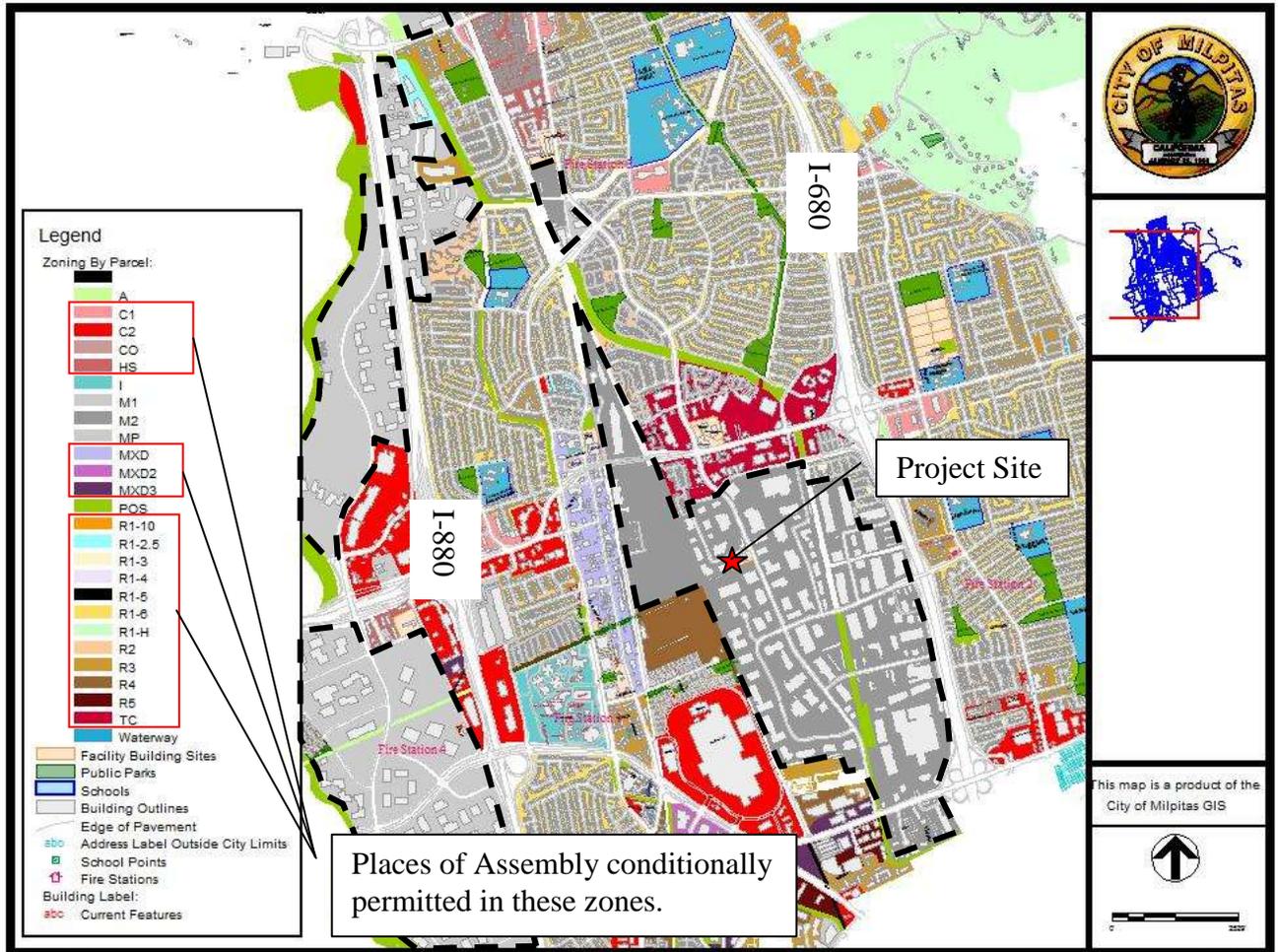


Figure 2
Site Aerial Map



PROJECT ANALYSIS

Conditional Use Permit Analysis

General Plan

This requested use permit is inconsistent with the intent of the Manufacturing and Warehousing designation of the General Plan. The Manufacturing and Warehousing land use designation encompasses a variety of light and heavy industrial activities, such as “manufacturing, packaging, processing, warehousing, and distribution, and ancillary support uses.” The project proposes a use that is not similar to those described above and does not provide support services for those types of uses. Examples of support services include facilities that provide equipment repair, product and materials storage locations, and other businesses that support industrial uses. Further, the project is inconsistent with numerous Guiding Principles and Implementing Policies that prohibit assembly uses in the industrial zones. For these reasons, the project is inconsistent with the Milpitas General Plan and cannot be supported.

Zoning Ordinance

The project does not comply with the development standards in the Milpitas Zoning Ordinance. Specifically, the project would generate a demand for parking that exceeds the number of spaces supplied onsite. Table 4 below provides an analysis of the parking requirements for the site, pursuant to Table 53.09-1 of the Milpitas Municipal Code.

Table 4
Parking Summary

Use	Area	Standard	Parking Spaces Required
Existing Industrial Uses	13,981 sq. ft.	1 space per 300 sq. ft.	47 spaces
Proposed Assembly Use:			
Prayer Halls	4,282 sq. ft.	1 space per 5 seats	72 spaces
Multi-Purpose Room	2,735 sq. ft.;	1 space per 200 sq. ft.	14 spaces
Office	258 sq. ft.	1 space per 240 sq. ft.	1 space
Bookstore	180 sq. ft.	1 space per 200 sq. ft.	1 space
Reading, Conference, Quiet Rooms	1,423 sq. ft.	1 space per 240 sq. ft.	6 spaces
TOTAL REQUIRED			141 spaces required
SPACE PROVIDED ONSITE			126 spaces provided
New Stalls Added			2
TOTAL PARKING ONSITE			128 spaces
DEFICIT			13 space deficit

As Table 4 demonstrates, the site is under parked by approximately 13 spaces, and it cannot accommodate the proposed assembly use.

Staff worked with the applicant, conducted a variety of parking analyses, and discovered that even the most beneficial parking allocation still exceeded the parking supply provided and proposed for the site. The first step was to reduce the number of spaces for the prayer halls. The Zoning Code states that where no fixed seating is proposed, one space is needed per five seats, and one seat is equal to 7 square feet. The assembly use does not propose fixed seats in the prayer halls. Therefore, a strict interpretation of the Zoning Code would yield 122 parking spaces for the prayer hall alone. However, the applicant's site plan indicates that there will be 358 prayer spaces. Prayer spaces consist of an area where prayer rugs are placed for congregants to pray, which makes them similar to a seating space. Based on the spirit of the parking requirements in the Zoning Code, the prayer halls generate a demand for 72 parking spaces. Further, the multipurpose room parking requirement was reduced from 27 spaces to 14 spaces because there are no fixed seats proposed for the room. Given these two changes, the total number of parking spaces for all uses in the building yields 141 parking stalls. This amount exceeds the 126 parking spaces provided onsite.

The addition of the mosque would generate a demand for 141 spaces, while the site contains 126 parking spaces. The applicant has proposed restriping the parking lot and adding two parking spaces onsite. This proposal would increase the number of spaces onsite to 128 parking stalls. Additionally, the applicant has requested a use permit for a shared parking agreement. The proposed shared parking agreement would use 13 spaces from the existing tenants to satisfy the applicant's parking requirements.

The proposed shared parking agreement is inconsistent with the provisions for shared parking in the City's Zoning Code. Shared parking is addressed in Section XI-10-53.11 of the Milpitas Zoning Code. Section XI-10-53.11 states that shared parking is applicable to mixed-use developments with one or more businesses that are complimentary, ancillary or support other activities. The proposed shared parking agreement is inconsistent with the shared parking provisions in two key areas.

The shared parking agreement section of the Zoning Code is intended for mixed-use developments. Examples of mixed-use developments described in the shared parking section of the Zoning Code consist of a mixture of residences, office, commercial, and educational uses. The Code does not include industrial uses as a type of mixed-use development. While the building consists of a mixture of uses, the mixture of uses is not historically interpreted as a mixed-use development because it does not integrate educational, commercial, office, or residential uses in one building. Instead, the project would introduce an assembly use to an area intended for industrial uses, which creates incompatible uses that are not typical of mixed-use developments.

The proposed assembly use is not a complimentary, ancillary or support related use in relationship to the industrial uses in the building. The proposed assembly use operates independently of the existing industrial uses in the building. Attendees would have minimal reasons to service other uses in the building because the other uses are professional businesses focused on a specific purpose. The purpose of these industrial offices is for business expansion and development of their companies. The assembly use consists of the gathering of people for prayer, community events, and personal growth. These functions of the assembly use do not support business expansion because they are unrelated to the purposes of the industrial

businesses. Therefore, the project does not constitute a mixed-use development nor does the assembly use provide a complimentary, ancillary or support related use. The shared parking proposal does not constitute a solution to the 13-space parking deficiency onsite.

Zone Text Change Analysis

General Plan Inconsistency

The City of Milpitas' General Plan is the City's constitution. The General Plan guides and directs City actions, and State Law requires that any project must be consistent with the General Plan. The requested zone change to allow "places of assembly" uses to occupy any industrially zoned land in the City of Milpitas is inconsistent with the City of Milpitas' General Plan.

The General Plan contains two industrial land use categories that provide a broad range of uses for the industrial areas of the City. These categories and uses are as follows:

- **Manufacturing.** This classification encompasses a variety of light and heavy industrial activities, such as manufacturing, packaging, processing, warehousing and distribution, and ancillary support uses.
- **Industrial Park.** This classification accommodates research, professional, packaging and distribution facilities in a park-like setting, free from noise, odor and other such nuisances.

The Manufacturing and Industrial Park categories target manufacturing, processing, distribution, and research type land uses. These uses are opposite in nature from assembly type uses. "Places of assembly" uses involving the gathering of people for a common purpose while manufacturing and industrial park land uses involve utilizing raw materials to produce, store, and distribute finished goods and products. The heavy intensity of these industrial uses conflicts with the quiet gathering of people because it exposes people to potentially hazardous byproducts from industrial uses. Therefore, "places of assembly" uses are incompatible with industrial uses.

Furthermore, the proposed zoning text amendment conflicts with numerous Guiding Principles and Implementing Policies of the General Plan, including the following:

Guiding Principles:

- 2.a-G-1** Maintain a land use program that balances Milpitas' regional and local roles by providing for a highly amenable community environment and a thriving regional industrial center.

Inconsistent: The proposed zoning text amendment would undermine this Guiding Principle. The zoning text amendment would expand the range of non-industrial related land uses in industrial zones. Infiltration of non-industrial land uses would eliminate the opportunity for industrial uses to occupy an area that the City has designated, planned for and encouraged to thrive with industrial uses. Assembly uses would erode the economic base and the vitality of the industrial zone because it enables a transition of the area away from the industrial districts' purpose as a key manufacturing, research,

warehousing, distribution, and employment center. Therefore, the requested text amendment is inconsistent Guiding Principle 2.a-G-1 because it erodes the economic base and the vitality of the City's industrial center.

2.a-G-8 The City should consider a long-term approach to managing its income/job generating lands and the impacts of development on public services.

Inconsistent: The proposed zone change would have detrimental effects to the long-term management of the City's income/job generating lands. Assembly uses established with a use permit would be able to occupy industrially zone properties in perpetuity. This would effectively remove these properties from any type of income/job generating purposes from the City in the short-term and long-term time horizons. Therefore, the requested zone text amendment is inconsistent with Guiding Principle 2.a-G-8.

2.a-G-11 Promote land use policy and implementation actions that improve the City's fiscal sustainability. Maintain and enhance the City's projected total net revenue through amendments made to the General Plan. Discourage proposed re-zonings or other discretionary land use actions that could significantly diminish revenue to the City or significantly increase the City's service costs to the City without offsetting increases in revenue.

Inconsistent: The proposed re-zoning would diminish revenue to the City by eliminating potential for commercial uses to support industrial land uses. The industrial districts are intended to be areas that potentially lead to business retention, employment opportunities, and economic development. Allowing uses not compatible with the purpose and intent of these districts would be detrimental to investments in property and improvements in the vicinity by starting a transition of the area away from its purpose as a key manufacturing and employment center. Therefore, the project is inconsistent with Guiding Principle 2.a-G-11.

Implementing Policies:

2.a-I-4 Publicize the position of Milpitas as a place to carry on compatible industrial and commercial activities with special emphasis directed toward the advantages of the City's location to both industrial and commercial use.

Inconsistent: Approval of the proposed zoning text amendment would create incompatible land uses in industrial zones, and would disadvantage the City of Milpitas as a place for industrial activities. Industrial land uses are associated with the heavy intensity use of raw materials for the purpose of developing, manufacturing, storing and shipping products. "Places of assembly" uses are associated with the gathering of people for a common purpose. The fundamental purpose of the industrial and "places of assembly" land use demonstrates their incompatibility, and mixing these two disparate uses creates difficulties for each. Industrial businesses would not want to be located adjacent to an assembly use because their operations may be restricted to preserve the general welfare of people. This incompatibility would discourage industrial uses in the City of Milpitas. Further, there is also the simple impact of perception. Industrial businesses could

perceive that the City does not care enough about the tax generating businesses because they are allowing non-tax generating uses within the restricted districts. Therefore, the requested zoning text amendment would create incompatible uses that would disadvantage the City as a place to conduct industrial activities.

2.a-I-9 Prohibit encroachment of incompatible uses into industrial lands, and prohibit nonindustrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.

Inconsistent: The requested zone text amendment results in the encroachment of incompatible land uses and nonindustrial uses in industrial zones, which this policy expressly prohibits. As previously discussed, industrial land uses involve high intensity use raw materials for the manufacturing, storage, and shipment of products. These industrial uses frequently result in loud noise, diminished air quality, long operating hours, and large vehicle deliveries and shipments. Assembly type uses stand in sharp contrast to industrial uses. Assembly uses involve gathering people in a location for a common purpose. Assembly uses in an industrial zone would expose people to the byproducts of industrial operations, which creates a potentially hazardous situation. This hazardous situation defines and exemplifies the essence of incompatible land use uses. The City would need to impose operational restrictions to resolve conflicts and incompatibilities between assembly and industrial land uses. These operational restrictions conflict with Implementing Policy 2.a-I-9, and because of this inconsistency the requested zone amendment cannot be supported.

2.a-I-14 When new uses are proposed in proximity to existing industrial uses, incorporate conditions upon the new use to minimize its negative impacts on existing nearby land uses and to promote the health and safety of individuals at the new development site.

Prohibit social organization uses within industrial areas. Consider these uses in other areas in the City.

Inconsistent: The proposed zone amendment would facilitate a type of social organization in the industrial districts. This is inconsistent with Implementing Policy 2.a-I-14.

Zoning Ordinance Inconsistency

The Zoning Ordinance provides clear direction on the purpose and intent of the industrial zoning districts. The stated intent of these districts is as follows:

- Light Industrial (M1) Zone. The M1 Light Industrial District is reserved for the construction, use and occupancy of buildings and facilities for office, research, limited and light manufacturing, and other uses compatible with the district.

- Heavy Industrial (M2) Zone. The M2 Heavy Industrial District is reserved for the construction, use, and occupancy of buildings and facilities for office, research, general manufacturing, warehousing and distribution and other uses compatible with the district.
- Industrial Park (MP) Zone. The MP District is intended to accommodate, in a park-like setting, a limited group of research, professional, packaging and distribution facilities and uses, which may have unusual requirements for space, light, and air, and the operation of which are clean and quiet.

The purpose and intent of the industrial zones demonstrates that the proposed zoning text amendment is inconsistent with the Zoning Code. The proposed text amendment would introduce assembly uses in the industrial zones. These uses are incompatible with the industrial zone because these districts are designed to accommodate research, manufacturing, warehousing, distribution, office, and other types of industrial uses.

The Zoning Code only conditionally permits ancillary and support assembly uses in the Industrial Park (MP) Zone. Examples of these uses would include an auditorium or conference center in an office or research building. The Zoning Code does not permit these types of ancillary support uses in the Light Industrial (M1) and Heavy Industrial (M2) Zones because of compatibility issues. Therefore, continuing to exclude assembly uses as a principle use will maintain the purpose and intent of the industrial zones.

Following direction from the Planning Commission in March 2008, staff analyzed various ways to stabilize the city's industrial districts. With the rezoning of the Transit Area Specific Plan and the Fairfield residential site, the City's industrial districts represented 20-percent of the City's entire land area. To put that into perspective, industrial-type uses (research and development, manufacturing, warehousing, and other similar uses) are limited to locating within the industrial districts. Industrial uses are not permitted in commercial or residential districts because the nature of their operations is incompatible with commercial and residential uses. Contrasting this condition, the City conditionally permits "places of assembly" uses throughout the City. "Places of assembly" uses and schools are conditionally allowed in all zones except the Parks and Open Space, Agricultural, and Institutional district.

Preserving the industrial zones for industrial related land uses is critically important to the long-term economic health of the City. Only 20-percent of the City is zoned industrial. Industrial uses are not allowed in other districts except for the industrial zones. Therefore, there are no opportunities for manufacturing, processing, warehousing and distribution, and packaging enterprises to occur outside of the industrial zones. The "places of assembly" use category is a stark contrast to the industrial uses because "places of assembly" are conditionally allowed in nearly every other zoning district in the City, excluding the industrial zone. Given the various locations for assembly uses and the limited locations for industrial uses, the industrial zones are areas of the City that are critical important to preserve for manufacturing, processing, warehousing and distribution, and packaging associated land uses and development opportunities.

The City of Milpitas intends the industrial districts to be areas that lead to expansion of business, employment opportunities, and economic development. Allowing uses not compatible with the

purpose and intent of these districts would be detrimental to investments in property and improvements in the vicinity by enabling a transition of the area away from the industrial districts' purpose as a key manufacturing and employment center. For instance, "sensitive receptors" or the very young or elderly are typically associated with places of assembly. The presence of sensitive receptors may influence the decision of prospective industrial uses from locating near a "places of assembly" use when their operation consists of processes that could be detrimental to that population. Further, there is also the simple impact of perception. Industrial businesses could perceive that the City does not care enough about the tax generating businesses because they are allowing non-tax generating uses within the restricted districts.

FINDINGS

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action. Staff recommends the Planning Commission find the proposed project inconsistent with the General Plan and Zoning Ordinance and all required Findings. The findings for denial are discussed in detail in Attachment A (Resolution 15-021).

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The California Environmental Quality Act (CEQA) does not require environmental assessments for projects that a public agency disapproves (Section 15270 of the CEQA Guidelines). The primary purpose of this exemption is to allow an initial screening of a project by the public agency without going through the time and expense of preparing the necessary CEQA documents. An environmental assessment was not prepared for this project to for that reason.

If the Planning Commission chooses to recommend approval the project, then staff will need to prepare the necessary CEQA document for a future Planning Commission public hearing.

PUBLIC COMMENT/OUTREACH

Public notice was provided in accordance with City and State public noticing requirements. A notice was published in the Milpitas Post on June 10, 2015. Additionally, 123 notices were sent to owners and occupants within 1,000 of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall. Staff has not received public comment at the time of writing this report.

CITY COUNCIL REVIEW

This item is scheduled as a public hearing by the City Council following the Planning Commission's recommendation.

CONCLUSION

Based on the analysis described above, the requested zone amendment and use permit is inconsistent with the City's General Plan and Zoning Ordinance and cannot be supported. The General Plan, functioning as the City's constitution, designates the site as Manufacturing. This

classification encompasses a variety of light and heavy industrial uses such as manufacturing, packaging, processing, warehousing and distribution, and ancillary support uses. The requested zone amendment would conditionally allow uses that are inconsistent with the intent of the General Plan classification. Further, the General Plan has numerous Guiding Goals and Implementing Policies that prohibit and discourage the encroachment of uses that are not compatible with industrial uses, which includes assembly uses. The requested use permit is inconsistent with the City's Zoning Ordinance as well. The site does not provide adequate parking to accommodate the proposed use, nor is the M2 Zone intended for assembly uses. The industrial zones are the only area in the City that support such uses, while assembly uses are conditionally permitted in nearly every other zone. The requested zoning text amendment would conditionally allow uses that are not compatible with the purpose and intent of the industrial districts. This would be detrimental to investments in property and improvements in the vicinity because it would initiate a transition of the industrial areas away from its purpose as a key manufacturing and employment center. Accordingly, it is paramount to retain these areas for manufacturing, packaging, processing, warehousing and distribution by denying the requested zone amendment and use permit.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open the public hearing to receive comments;
2. Close public hearing;
3. Adopt Resolution No. 15-021 recommending the City Council deny **Zoning Amendment No. ZA15-0003 and Use Permit UP15-0008 to amend the Zoning Code to add new provisions conditionally permitting places of assembly uses in the Industrial Park (MP), Light Industrial (M1) and Heavy Industrial (M2) Zones and a Use Permit for a mosque and shared parking onsite in the Heavy Industrial Zone (M2) at 372-374 Turquoise Street.**

ATTACHMENTS

- A. Resolution No.15-021
- B. Project Plans